SUBSIDIARY LEGISLATION 427.61

RECREATIONAL CRAFT REGULATIONS

18th January, 2015*

LEGAL NOTICE 387 of 2015.

Citation and scope.

1. (1) The title of these regulations is the Recreational Craft Regulations.

(2) These regulations transpose Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC.

(3) These regulations lay down requirements for the design and manufacture of products referred to in regulation 3(1) and rules on their free movement in the Union.

Commencement.

2. (1) These regulations shall apply as from 18th January 2016.

(2) The making available on the market or the putting into service of products covered by the Recreational Craft Regulations, 2005, which are in conformity with these regulations and which were placed on the market or put into service before 18 January 2017 shall not be impeded.

L.N. 128 of 2005.

(3) The making available on the market or the putting into service of outboard SI propulsion engines with power equal to or less than 15 kW which comply with the stage I exhaust emission limits laid down in point 2.1 of Part B of Schedule I and which were manufactured by small and medium-sized enterprises as defined in Commission Recommendation 2003/361/EC and placed on the market before 18 January 2020 shall not be impeded.

Applicability.

3. (1) These regulations shall apply to the following products:

(*a*) recreational craft and partly completed recreational craft;

(*b*) personal watercraft and partly completed personal watercraft;

(*c*) components listed in Schedule II when placed on the Union market separately, hereinafter referred to as "components";

(*d*) propulsion engines which are installed or specifically intended for installation on or in watercraft;

(*e*) propulsion engines installed on or in watercraft that are subject to a major engine modification;

(*f*) watercraft that are subject to major craft conversion.

*see regulation 2(1).

(2) These regulations shall not apply to the following products:

(*a*) with regard to the design and construction requirements set out in Part A of Schedule I:

(i) watercraft intended solely for racing, including rowing racing boats and training rowing boats, labelled as such by the manufacturer;

(ii) canoes and kayaks designed to be propelled solely by human power, gondolas and pedalos;

(iii) surfboards designed solely to be propelled by wind and to be operated by a person or persons standing;

(iv) surfboards;

(v) original historical watercraft and individual replicas thereof designed before 1950, built predominantly with the original materials and labelled as such by the manufacturer;

(vi) experimental watercraft, provided that they are not placed on the Union market;

(vii) watercraft built for own use, provided that they are not subsequently placed on the Union market during a period of five years from the putting into service of the watercraft;

(viii) watercraft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to sub-regulation (3), regardless of the number of passengers;

(ix) submersibles;

(x) air cushion vehicles;

(xi) hydrofoils;

(xii) external combustion steam powered watercraft, fuelled by coal, coke, wood, oil or gas;

(xiii) amphibious vehicles, i.e. wheeled or track-laying motor vehicles, which are able to operate both on water and on solid land;

(*b*) with regard to exhaust emission requirements set out in Part B of Schedule I:

(i) propulsion engines installed or specifically intended for installation on the following products:

- watercraft intended solely for racing and labelled as such by the manufacturer;
- experimental watercraft, provided that they are not placed on the Union market;
- watercraft specifically intended to be crewed and to carry passengers for commercial purposes, without prejudice to sub-regulation (3), regardless of the number of passengers;
- submersibles;

- air cushion vehicles;
- hydrofoils;
- amphibious vehicles, i.e. wheeled or track-laying motor vehicles, which are able to operate both on water and on solid land;

(ii) original and individual replicas of historical propulsion engines, which are based on a pre-1950 design, not produced in series and fitted on watercraft referred to in paragraph (*a*)(v) or (vii);

(iii) propulsion engines built for own use provided that they are not subsequently placed on the Union market during a period of five years from the putting into service of the watercraft;

(*c*) with regard to noise emission requirements referred to in Part C of Schedule I:

(i) all watercraft referred in paragraph (*b*);

(ii) watercraft built for own use, provided that they are not subsequently placed on the Union market during a period of five years from the putting into service of the watercraft.

(3) The fact that the same watercraft could also be used for charter or for sports and leisure training shall not prevent it being covered by these regulations when it is placed on the Union market for recreational purposes.

Definitions.

4. For the purpose of these regulations, the following definitions shall apply:

"accreditation" means accreditation as defined in point 10 of Article 2 of Regulation (EC) No 765/2008;

"authorised representative" means any natural or legal person established within the Union who has received a written mandate from the manufacturer to act on his behalf in relation to specified tasks;

"CE marking" means a marking by which the manufacturer indicates that the product is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing;

"conformity assessment" means the process demonstrating whether the requirements of this Directive relating to a product have been fulfilled;

"conformity assessment body" means a body that performs conformity assessment activities including calibration, testing, certification and inspection;

"the Directive" means Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC;

"distributor" means any natural or legal person in the supply

chain, other than the manufacturer or the importer, who makes a product available on the market;

"economic operators" means the manufacturer, the authorised representative, the importer and the distributor;

"engine family" means the manufacturer's grouping of engines which, through their design, have similar exhaust or noise emission characteristics;

"essential requirements" means the requirements in Annex I of the Directive, which is set out in Schedule I;

"harmonised standard" means harmonised standard as defined in point (c) of Article 2(1) of Regulation (EU) No 1025/2012;

"hull length" means the length of the hull measured in accordance with the harmonised standard;

"importer" means any natural or legal person established within the Union who places a product from a third country on the Union market;

"major craft conversion" means a conversion of a watercraft which changes the means of propulsion of the watercraft, involves a major engine modification, or alters the watercraft to such an extent that it may not meet the applicable essential safety and environmental requirements laid down in these regulations;

"major engine modification" means the modification of a propulsion engine which could potentially cause the engine to exceed the emission limits set out in Part B of Schedule I or increases the rated power of the engine by more than 15%;

"making available on the market" means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

"manufacturer" means any natural or legal person who manufactures a product or has such a product designed or manufactured, and markets that product under his name or trademark;

"market surveillance" means the activities carried out and measures taken by public authorities to ensure that products comply with the applicable requirements set out in Union harmonisation legislation and do not endanger health, safety or any other aspect of public interest protection;

"means of propulsion" means the method by which the watercraft is propelled;

"the National Accreditation Board (Malta)" means the National Accreditation Board (Malta) established in terms of regulation 3 of the National Accreditation Board (Malta) (Establishment) Regulations; S.L. 419.07

"personal watercraft" means a watercraft intended for sports and leisure purposes of less than 4m in hull length which uses a propulsion engine having a water jet pump as its primary source of propulsion and designed to be operated by a person or persons

sitting, standing or kneeling on, rather than within the confines of, a hull;

"placing on the market" means the first making available of a product on the Union market;

"private importer" means any natural or legal person established within the Union who imports in the course of a non-commercial activity a product from a third country into the Union with the intention of putting it into service for his own use;

"propulsion engine" means any spark or compression ignition, internal combustion engine used directly or indirectly for propulsion purposes;

"putting into service" means the first use of a product covered by this Directive in the Union by its end-user;

"recall" means any measure aimed at achieving the return of a product that has already been made available to the end-user;

"recreational craft" means any watercraft of any type, excluding personal watercraft, intended for sports and leisure purposes of hull length from 2,5m to 24m, regardless of the means of propulsion;

"the Technical Regulations Division" means the Technical Regulations Division within the Malta Competition and Consumer Affairs Authority as established by the Malta Competition and Consumer Affairs Authority Act; Cap. 510.

"Union harmonisation legislation" means any Union legislation harmonising the conditions for the marketing of products;

"watercraft" means any recreational craft or personal watercraft;

"watercraft built for own use' means a watercraft predominantly built by its future user for his own use.

A boat built by a professional company for a private person under a contracted agreement, is deemed to fall under these regulations and will have to comply with the essential requirements of the regulations and the applicable conformity assessment procedures;

"withdrawal" means any measure aimed at preventing a product in the supply chain from being made available on the market.

Essential requirements.

5. (1) The products referred to in regulation 3(1) may be made available or put into service only if they do not endanger the health and safety of persons, property or the environment when correctly maintained and used in accordance with their intended purpose, and only on the condition that they meet the applicable essential requirements set out in Schedule I.

(2) Products referred to in regulation 3(1) shall not be made available on the market or put into service unless they comply with the requirements of sub-regulation (1).

Provisions concerning navigation.

6. The provisions of these regulations shall not prevent from adopting provisions concerning navigation on certain waters for the purpose of protection of the environment, the fabric of waterways, and ensuring safety of waterways, provided that those provisions

do not require modification to watercraft conforming to these regulations and that those provisions are justified and proportionate.

Free movement.

7. (1) Without prejudice to regulation 6, the making available on the Maltese market or the putting into service in the Maltese territory of watercrafts complying with these regulations shall not be impeded.

(2) The making available on the market of partly-completed watercraft where the manufacturer or the importer declares, in accordance with Schedule III, that they are intended to be completed by others, shall not be impeded.

(3) The making available on the market or putting into service of components complying with these regulations which are intended to be incorporated into watercraft, in accordance with the declaration of the manufacturer or the importer, as referred to in regulation 16, shall not be impeded.

(4) The making available on the market or putting into service of any of the following propulsion engines shall not be impeded:

(*a*) engines, whether or not installed in watercraft, complying with these regulations;

(*b*) engines installed in watercraft and type-approved in accordance with Directive 97/68/EC which are in compliance with stage III A, stage III B or stage IV emission limits for CI engines used in other applications than propulsion of inland waterway vessels, locomotives and railcars, as provided for in point 4.1.2. of Annex I to that Directive, complying with these regulations, with the exclusion of the exhaust emission requirements set out in Part B of Schedule I;

(*c*) engines installed in watercraft and type-approved in accordance with Regulation (EC) No 595/2009, complying with these regulations, with the exclusion of the exhaust emission requirements set out in Part B of Schedule I.

(5) Sub-regulation (4)(*b*) and (*c*) shall apply subject to the condition that where an engine is adapted for installation in a watercraft, the person undertaking the adaptation shall ensure that full account is taken of the data and other information available from the engine manufacturer in order to ensure that, when installed in accordance with the installation instructions provided by the person adapting the engine, that engine will continue to meet the exhaust emission requirements of either Directive 97/68/EC or of Regulation (EC) No 595/2009, as declared by the engine manufacturer. The person adapting the engine shall declare, as referred to in regulation 16, that the engine will continue to meet the exhaust emission requirements of either Directive 97/68/EC or of Regulation (EC) No 595/2009, as declared by the engine manufacturer, when installed in accordance with the installation instructions supplied by the person adapting the engine.

(6) At trade fairs, exhibitions, demonstrations and other similar events, the showing of products referred to in regulation 3(1) which do not comply with these regulations, provided that a visible sign clearly indicates that such products do not comply with these regulations and will not be made available or put into service in the Union until they have been made to comply, shall not be impeded.

Obligations of the manufacturer.

8. (1) When placing their products on the market, manufacturers shall ensure that they have been designed and manufactured in accordance with the requirements set out in regulation 5(1) and in Schedule I.

(2) Manufacturers shall draw up the technical documentation in accordance with regulation 24 and carry out the conformity assessment procedure applicable or have it carried out in accordance with regulations 18 to 21 and regulation 23.

Where compliance of a product with the applicable requirements has been demonstrated by that procedure, manufacturers shall draw up a declaration, as referred to in regulation 16 and mark and affix the CE marking, as set out in regulation 17.

(3) Manufacturers shall keep the technical documentation and a copy of the declaration, as referred to in regulation 16, for ten years after the product has been placed on the market.

(4) Manufacturers shall ensure that procedures are in place for series production to remain in conformity with these regulations. Changes in product design or characteristics and changes in the harmonised standards by reference to which conformity of a product is declared shall be adequately taken into account.

When deemed appropriate with regard to the risks presented by a product, manufacturers shall, to protect the health and safety of consumers, carry out sample testing of products made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and shall keep distributors informed of any such monitoring.

(5) Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the components does not allow it, that the required information is provided on the packaging or in a document accompanying the product.

(6) Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address shall indicate a single point at which the manufacturer can be contacted.

(7) Manufacturers shall ensure that the product is accompanied by instructions and safety information in the owner's manual in at least the Maltese or the English language.

(8) Manufacturers who consider or have reason to believe that a product which they have placed on the market is not in

conformity with these regulations shall immediately take the necessary corrective measures to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product presents a risk, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

(9) Manufacturers shall, further to a reasoned request from the Technical Regulations Division, provide it with all the information and documentation necessary to demonstrate the conformity of the product, in at least the Maltese or the English language. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have placed on the market.

Authorised representatives.

9. (1) A manufacturer may, by a written mandate, appoint an authorised representative.

(2) The obligations laid down in regulation 8(1) and the drawing up of technical documentation shall not form part of the authorised representative's mandate.

(3) An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:

(*a*) keep a copy of the declaration, as referred to in regulation 16, and the technical documentation at the disposal of national surveillance authorities for ten years after the product has been placed on the market;

(*b*) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a product;

(*c*) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by products covered by their mandate.

Obligations of importers.

10. (1) Importers shall place only compliant products on the market.

(2) Before placing a product on the market, importers shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the product bears the CE marking, as referred to in regulation 17, and is accompanied by the documents required in accordance with regulation 16 and point 2.5 of Part A of Schedule I, point 4 of Part B of Schedule I and point 2 of Part C of Schedule I and that the manufacturer has complied with the requirements set out in regulation 8(5) and (6).

Where an importer considers or has reason to believe that a

product is not in conformity with the requirements set out in regulation 5(1), he shall not place the product on the market until it has been brought into conformity. Furthermore, where the product presents a risk, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

(3) Importers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, in the case of components where that is not possible, on the packaging or in a document accompanying the product.

(4) Importers shall ensure that the product is accompanied by instructions and safety information in the owner's manual in at least the English or Maltese language.

(5) Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in regulation 5(1) and in Schedule I.

(6) When deemed appropriate with regard to the risks presented by a product, importers shall, to protect the health and safety of consumers, carry out sample testing of products made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and shall keep distributors informed of such monitoring.

(7) Importers who consider or have reason to believe that a product which they have placed on the market is not in conformity with these regulations shall immediately take the corrective measures necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product presents a risk, importers shall immediately inform the competent national authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken. The competent authority in the case of products imported into Malta, shall be the Technical Regulations Division.

(8) Importers shall, for a period of ten years after the product has been placed on the market, keep a copy of the declaration, as referred to in regulation 16, at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.

(9) Importers shall, further to a reasoned request from the Technical Regulations Division, provide it with all the information and documentation necessary to demonstrate the conformity of a product in at least the Maltese or the English language. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have placed on the market.

Obligations of distributors.

11. (1) When making a product available on the market distributors shall act with due care in relation to the requirements of these regulations.

(2) Before making a product available on the market distributors shall verify that the product bears the CE marking, as referred to in regulation 17, that it is accompanied by the documents required in regulation 8(7), regulation 16 and point 2.5 of Part A of Schedule I, point 4 of Part B of Schedule I and point 2 of Part C of Schedule I and by instructions and safety information in at least the English or Maltese language, and that the manufacturer and the importer have complied with the requirements set out in regulation 8(5) and (6) and in regulation 10(3).

Where a distributor considers or has reason to believe that a product is not in conformity with the requirements set out in regulation 5(1) and Schedule I, he shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product presents a risk, the distributor shall inform the manufacturer or the importer, as well as the market surveillance authorities, to that effect.

(3) Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in regulation 5(1) and Schedule I.

(4) Distributors who consider or have reason to believe that a product which they have made available on the market is not in conformity with these regulations shall make sure that the corrective measures necessary to bring that product into conformity, to withdraw it or recall it, if appropriate, are taken. Furthermore, where the product presents a risk, distributors shall immediately inform the competent national authorities of the Member States in which they made the product available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

(5) Distributors shall, further to a reasoned request from the Technical Regulations Division, provide that authority with all the information and documentation necessary to demonstrate the conformity of the product. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products which they have made available on the market.

Cases in which obligations of manufacturers apply to importers and distributors.

12. An importer or distributor shall be considered a manufacturer for the purposes of these regulations and he shall be subject to the obligations of the manufacturer under regulation 8, where he places a product on the market under his name or trademark or modifies a product already placed on the market in such a way that compliance with the requirements of these regulations may be affected.

Obligations of private importers.

13. (1) If the manufacturer does not fulfil the responsibilities for the conformity of the product with these regulations, a private importer, before putting the product into service, shall ensure that it has been designed and manufactured in accordance with the requirements set out in regulation 5(1) and Schedule I and carry out or have carried out the obligations of the manufacturer set out in regulation 8(2), (3), (7) and (9).

(2) If the required technical documentation is not available from the manufacturer, the private importer shall have it drawn up using appropriate expertise.

(3) The private importer shall ensure that the name and address of the notified body which has carried out the conformity assessment of the product is marked on the product.

Identification of economic operators.

14. (1) Economic operators shall, on request, identify the following to the Technical Regulations Division:

(*a*) any economic operator who has supplied them with a product;

(*b*) any economic operator to whom they have supplied a product.

(2) Economic operators shall be able to present the information referred to in sub-regulation (1) for a period of ten years after they have been supplied with the product and for a period of ten years after they have supplied the product.

(3) Private importers shall, on request, identify to the Technical Regulations Division the economic operator who has supplied them with the product.

(4) Private importers shall be able to present the information referred to in sub-regulation (3) for a period of ten years after they have been supplied with the product.

Presumption of conformity.

15. Products which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements covered by those standards or parts thereof, set out in regulation 5(1) and Schedule I.

EU declaration of conformity and declaration for partly completed watercraft.

16. (1) The EU declaration of conformity shall state that the fulfilment of requirements specified in regulation 5(1) and Schedule I or those referred to in regulation 7(4)(*b*) or (*c*) has been demonstrated.

(2) The EU declaration of conformity, that shall have the model structure set out in Schedule IV, shall contain the elements specified in the relevant modules set out in Annex II to Decision No 768/2008/EC as well as in Schedule V, and shall be continuously updated. It shall be translated into the language or languages required by the Member State on whose market the product is made available or put into service. For products made available or put into service in the Maltese market, the EU Declaration of Conformity shall be translated into at least the Maltese or the English language.

(3) By drawing up the EU declaration of conformity, the manufacturer, private importer or the person adapting the engine referred to in regulation 7(4)(*b*) and (*c*) shall assume responsibility for the compliance of the product.

(4) The EU declaration of conformity referred to in sub-regulation (3) shall accompany the following products when they

are made available on the market or put into service:

(*a*) watercraft;

(*b*) components when placed on the market separately;

(*c*) propulsion engines.

(5) The declaration by the manufacturer or the importer set out in Schedule III for partly completed watercraft shall contain the elements specified in that Schedule and shall accompany partly completed watercraft. It shall be translated into the language or languages required by the Member State on whose market the product is made available. For such products that are made available on the Maltese market, this declaration shall be translated into at least the Maltese or the English language.

CE marking.

17. (1) The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

(2) The following products are subject to CE marking when they are made available on the market or put into service:

(*a*) watercraft;

(*b*) components;

(*c*) propulsion engines.

(3) Products referred to in sub-regulation (2) and bearing the CE marking shall be presumed to comply with these regulations.

(4) The CE marking shall be affixed visibly, legibly and indelibly to the products referred to in sub-regulation (2). In case of components, where that is not possible or not warranted on account of the size or nature of that product, it shall be affixed to the packaging and to the accompanying documents. In the case of watercraft, the CE marking shall be affixed on the watercraft builder's plate mounted separately from the watercraft identification number. In the case of a propulsion engine, the CE marking shall be affixed on the engine.

(5) The CE marking shall be affixed before the product is placed on the market or put into service. The CE marking, and the identification number referred to in sub-regulation (6), may be followed by a pictogram or any other mark indicating a special risk or use.

(6) The CE marking shall be followed by the identification number of the notified body, where that body is involved in the production control phase or in the post-construction assessment.

(7) The identification number of the notified body shall be affixed by the body itself or, under its instructions, by the manufacturer or his authorised representative, or by the person referred to in regulation 18(2), (3) or (4).

Applicable conformity assessment procedures.

18. (1) The manufacturer shall apply the procedures set out in the modules referred to in regulations 19, 20 and 21 before placing on the market products referred to in regulation 3(1).

(2) The private importer shall apply the procedure referred to

in regulation 22 before putting into service a product referred to in regulation 3(1) if the manufacturer has not carried out the conformity assessment for the product concerned.

(3) Any person placing on the market or putting into service a propulsion engine or a watercraft after a major modification or conversion thereof, or any person changing the intended purpose of a watercraft not covered by these regulations in a way that it falls under its scope, shall apply the procedure referred to in regulation 22 before placing the product on the market or putting it into service.

(4) Any person placing on the market a watercraft built for own use before the end of the five-year period referred to in regulation 3(2)(*a*)(vii) shall apply the procedure referred to in regulation 22 before placing the product on the market.

Design and construction.

19. (1) With regard to design and construction of recreational craft the following procedures set out in Annex II to Decision No 768/2008/EC shall apply:

(*a*) for design categories A and B referred to in point 1 of Part A of Schedule I:

(i) for recreational craft of hull length from 2,5m to less than 12m, any of the following modules:

- Module A1 (internal production control plus supervised product testing);
- Module B (EU type-examination) together with Module C, D, E or F;
- Module G (conformity based on unit verification);
- Module H (conformity based on full quality assurance);

(ii) for recreational craft of hull length from 12m to 24m, any of the following modules:

- Module B (EU type-examination) together with Module C, D, E or F;
- Module G (conformity based on unit verification);
- Module H (conformity based on full quality assurance);

(*b*) for design category C referred to in point 1 of Part A of Schedule I:

(i) for recreational craft of hull length from 2,5m to less than 12m, any of the following modules:

- where the harmonised standards relating to points 3.2 and 3.3 of Part A of Schedule I are complied with: Module A (internal production control), Module A1 (internal production control plus supervised product testing), Module B (EU type-examination) together with Module C, D, E or F, Module G (conformity based on unit verification) or

Module H (conformity based on full quality assurance);

- where the harmonised standards relating to points 3.2 and 3.3 of Part A of Schedule I are not complied with: Module A1 (internal production control plus supervised product testing), Module B (EU type-examination) together with Module C, D, E or F, Module G (conformity based on unit verification) or Module H (conformity based on full quality assurance);

(ii) for recreational craft of hull length from 12m to 24m, any of the following modules:

- Module B (EU type-examination) together with Module C, D, E or F;
- Module G (conformity based on unit verification);
- Module H (conformity based on full quality assurance);

(*c*) for design category D referred to in point 1 of Part A of Schedule I:

for recreational craft of hull length from 2,5m to 24m, any of the following modules:

- Module A (internal production control);
- Module A1 (internal production control plus supervised product testing);
- Module B (EU type-examination) together with Module C, D, E or F;
- Module G (conformity based on unit verification);
- Module H (conformity based on full quality assurance).

(2) With regard to design and construction of personal watercraft any of the following procedures set out in Annex II to Decision No 768/2008/EC shall apply:

(*a*) Module A (internal production control);

(*b*) Module A1 (internal production control plus supervised product testing);

(*c*) Module B (EU type-examination) together with Module C, D, E or F;

(*d*) Module G (conformity based on unit verification);

(*e*) Module H (conformity based on full quality assurance).

(3) With regard to design and construction of components any of the following procedures set out in Annex II to Decision No 768/2008/EC shall apply:

(*a*) Module B (EU type-examination) together with Module C, D, E or F;

(*b*) Module G (conformity based on unit verification);

(*c*) Module H (conformity based on full quality assurance).

Exhaust emissions.

20. With regard to exhaust emissions, for products referred to in regulation 3(1)(*d*) and (*e*), the engine manufacturer shall apply the following procedures set out in Annex II to Decision No 768/2008/EC:

(*a*) where tests are conducted using the harmonised standard, any of the following modules:

(i) Module B (the EU type-examination) together with Module C, D, E or F;

(ii) Module G (conformity based on unit verification);

(iii) Module H (conformity based on full quality assurance);

(*b*) where tests are conducted without using the harmonised standard, any of the following modules:

(i) Module B (the EU type-examination) together with Module C 1;

(ii) Module G (conformity based on unit verification).

Noise emissions.

21. (1) With regard to noise emissions for recreational craft with stern drive propulsion engines without integral exhausts or inboard propulsion engine installations and for recreational craft with stern drive propulsion engines without integral exhausts or with inboard propulsion engine installations which are subject to major craft conversion and subsequently placed on the market within five years following conversion, the manufacturer shall apply the following procedures set out in Annex II to Decision No 768/2008/EC:

(*a*) where tests are conducted using the harmonised standard for noise measurement, any of the following modules:

(i) Module A1 (internal production control plus supervised product testing);

(ii) Module G (conformity based on unit verification);

(iii) Module H (conformity based on full quality assurance);

(*b*) where tests are conducted without using the harmonised standard for noise measurement, Module G (conformity based on unit verification);

(*c*) where the Froude number and power displacement ratio method is used for assessment, any of the following modules:

(i) Module A (internal production control);

(ii) Module G (conformity based on unit verification);

(iii) Module H (conformity based on full quality assurance).

(2) With regard to noise emissions for personal watercraft and outboard propulsion engines and stern drive propulsion engines with integral exhausts intended for installation on recreational craft, the personal watercraft or engine manufacturer shall apply the following procedures set out in Annex II to Decision No 768/2008/EC:

(*a*) where tests are conducted using the harmonised standard for noise measurement, any of the following modules:

(i) Module A1 (internal production control plus supervised product testing);

(ii) Module G (conformity based on unit verification);

(iii) Module H (conformity based on full quality assurance);

(*b*) where tests are conducted without using the harmonised standard for noise measurement, Module G (conformity based on unit verification).

Post-construction assessment.

22. The post-construction assessment referred to in regulation 18(2), (3) and (4) shall be carried out as set out in Schedule V.

Supplementary requirements.

23. (1) When Module B of Annex II to Decision No 768/2008/EC is used, the EU type examination shall be carried out in the manner specified in the second indent of point 2 of that module.

A production type referred to in Module B may cover several versions of the product provided that:

(*a*) the differences between the versions do not affect the level of safety and the other requirements concerning the performance of the product; and

(*b*) versions of the product are referred to in the corresponding EU-type examination certificate, if necessary through amendments to the original certificate.

(2) When Module A1 of Annex II to Decision No 768/2008/EC is used, the product checks shall be carried out on one or several watercraft representing the production of the manufacturer and the supplementary requirements set out in Schedule VI shall apply.

(3) The possibility of using accredited in-house bodies referred to in Modules A1 and C1 of Annex II to Decision No 768/2008/EC shall not be applicable.

(4) When Module F of Annex II to Decision No 768/2008/EC is used, the procedure described in Schedule VII shall apply for the assessment of conformity with the exhaust emission requirements.

(5) When Module C of Annex II to Decision No 768/2008/EC is used, with regard to the assessment of conformity with the exhaust emission requirements of these regulations and if the

manufacturer is not working under a relevant quality system as described in Module H of Annex II to Decision No 768/2008/EC, a notified body chosen by the manufacturer shall carry out product checks or have them carried out at random intervals determined by that body, in order to verify the quality of the internal checks on the product. When the quality level appears unsatisfactory or when it seems necessary to verify the validity of the data presented by the manufacturer, the procedure set out in Schedule VIII shall apply.

Technical documentation.

24. (1) The technical documentation referred to in regulation 8(2) shall contain all relevant data and details of the means used by the manufacturer to ensure that the product complies with the requirements set out in regulation 5(1) and Schedule I. It shall, in particular, contain the relevant documents listed in Schedule IX.

(2) The technical documentation shall ensure that the design, construction, operation and assessment of conformity may be clearly understood.

Notification of conformity assessment bodies.

25. (1) The Technical Regulations Division shall notify the European Commission and the other Member States of bodies authorised to carry out third-party conformity assessment under these regulations.

(2) The Technical Regulations Division shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies for the purposes of these regulations, and for the monitoring of notified bodies, including compliance with the provisions of regulation 26(13) to (16).

(3) The assessment and monitoring referred to in sub-regulation (2) shall be carried out by the National Accreditation Board (Malta).

(4) The Technical Regulations Division shall take full responsibility for the tasks performed by National Accreditation Board (Malta) referred to in sub-regulation (3).

(4) The Technical Regulations Division shall inform the European Commission of its procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, and of any changes thereto.

Requirements for notified bodies.

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26. (1) For the purposes of notification under these regulations, a conformity assessment body shall meet the requirements laid down in sub-regulations (2) to (16) and in the Method for Designating Conformity Assessment Bodies Regulations.

(2) A conformity assessment body shall be established under Maltese law of and have legal personality.

(3) A conformity assessment body shall be a third-party body independent of the organisation or the product it assesses. A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it

assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

(4) (*a*) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the products which they assess, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the conformity assessment body or the use of such products for personal purposes.

(*b*) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design or manufacture, the marketing, installation, use or maintenance of those products, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.

(*c*) Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

(5) Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.

(6) (*a*) A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by the provisions of regulations 18 to 23 and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

(*b*) At all times and for each conformity assessment procedure and each kind or category of products in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:

(i) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;

(ii) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures. It shall have appropriate policies and procedures in place that distinguish between tasks it carries out as a notified body and other activities;

(iii) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.

(*c*) A conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.

(7) The personnel responsible for carrying out conformity assessment tasks shall have the following:

(*a*) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;

(*b*) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;

(*c*) appropriate knowledge and understanding of the essential requirements, of the applicable harmonised standards and of the relevant provisions of Union harmonisation legislation and of the relevant national legislation;

(*d*) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

(8) The impartiality of conformity assessment bodies, their top level management and of the assessment personnel shall be ensured. The remuneration of the top level management and assessment personnel of a conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments.

(9) Conformity assessment bodies shall take out liability insurance unless liability is assumed by the State in accordance with national law, or the State itself is directly responsible for the conformity assessment.

(10) The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under regulations 18 to 23 or any provision of national law giving effect to it, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

(11) Conformity assessment bodies shall participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the relevant standardisation activities and the activities of the notified body coordination group established under Article 42 of the Directive and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

(12) Where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, it shall be presumed to comply with the requirements set out in these regulations insofar as the applicable harmonised standards cover those requirements.

(13) Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in these regulations, and shall inform the Technical Regulations Division accordingly.

(14) Notified bodies shall take full responsibility for the tasks performed by subcontractors or subsidiaries, wherever these are established.

(15) Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.

(16) Notified bodies shall keep at the disposal of the Technical Regulations Division the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under regulations 18 to 23.

Notification procedures.

27. (1) A conformity assessment body established in Malta shall submit an application for notification under these regulations to the Technical Regulations Division.

(2) The application referred to in sub-regulation (1) shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the product or products for which that body claims to be competent, as well as by an accreditation certificate issued by the National Accreditation Board (Malta) attesting that the conformity assessment body fulfils the requirements laid down in regulation 26 and the Method for Designating Conformity Assessment Bodies Regulations.

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(3) The Technical Regulations Division may only notify conformity assessment bodies which have satisfied the requirements laid down in regulation 26 and the Method for Designating Conformity Assessment Bodies Regulations.

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(4) The Technical Regulations Division shall notify conformity assessment bodies to the European Commission and the other Member States using the electronic notification tool developed and managed by the Commission.

(5) The notification shall include full details of the conformity assessment activities, the conformity assessment module or modules, product or products concerned and the relevant attestation of competence.

(6) The body concerned may perform the activities of a notified body only where no objections are raised by the European Commission or the other Member States within two weeks of a notification. Only such a body shall be considered a notified body for the purposes of these regulations.

(7) The Technical Regulations Division shall notify the European Commission and the other Member States of any subsequent relevant changes to the notification.

(8) The Technical Regulations Division shall assign an identification code to a notified body that it has authorised to undertake the post-construction conformity assessments.

(9) Where the Technical Regulations Division has ascertained or has been informed that a notified body no longer meets the requirements laid down in regulation 26 or the Method for Designating Conformity Assessment Bodies Regulations, or that it is failing to fulfil its obligations, the Technical Regulations Division shall restrict, suspend or withdraw notification as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the European Commission and the other Member States accordingly. S.L. 427.45

(10) In the event of restriction, suspension or withdrawal of notification, or where the notified body has ceased its activity, the Technical Regulations Division shall take appropriate steps to ensure that the files of that body are either processed by another notified body or kept available to the responsible notifying and market surveillance authorities, at their request.

(11) The Technical Regulations Division shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the body concerned.

Operational obligations for notified bodies.

28. (1) Notified bodies shall carry out conformity assessments in accordance with the conformity assessment procedures provided for in regulations 18 to 23.

(2) Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators and private importers. Conformity assessment bodies shall perform their activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process. In so doing, they shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the product with these regulations.

(3) Where a notified body finds that requirements laid down in regulation 5(1) and Schedule I or in corresponding harmonised standards have not been met by a manufacturer or a private

importer, it shall require that manufacturer or private importer to take appropriate corrective measures and shall not issue a certificate of conformity.

(4) Where, in the course of the monitoring of conformity following the issue of a certificate, a notified body finds that a product is no longer in compliance; it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate if necessary.

(5) Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates, as appropriate.

(6) Notified bodies shall inform the Technical Regulations Division of the following:

(*a*) any refusal, restriction, suspension or withdrawal of a certificate;

(*b*) any circumstances affecting the scope of or conditions for notification;

(*c*) any request for information which they have received from market surveillance authorities regarding conformity assessment activities;

(*d*) on request, conformity assessment activities performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.

(7) Notified bodies shall provide the other bodies notified under the Directive carrying out similar conformity assessment activities covering the same products with relevant information on issues relating to negative and, on request, positive conformity assessment results.

(8) Notified bodies shall participate, directly or by means of designated representatives, in the appropriate coordination and cooperation groups for notified bodies organised by the European Commission.

Market surveillance.

29. (1) The Technical Regulations Division shall take appropriate measures to ensure that products referred to in regulation 3(1) may be made available or put into service only if they do not endanger the health and safety of persons, property or the environment when correctly maintained and used in accordance with their intended purpose, and only on the condition that they meet the applicable essential requirements set out in Schedule I.

(2) Article 15(3) and Articles 16 to 29 of Regulation (EC) No 765/2008 shall apply to products covered by these regulations.

(3) Where the Technical Regulations Division has sufficient reasons to believe that a product covered by these regulations presents a risk to the health or safety of persons, to property or to the environment, they shall carry out an evaluation in relation to the product concerned covering all relevant requirements laid down in these regulations. The relevant economic operators or the private importer shall cooperate as necessary with the Technical

Regulations Division.

(4) (*a*) In the case of an economic operator, where, in the course of that evaluation, the Technical Regulations Division finds that the product does not comply with the requirements laid down in these regulations, it shall without delay require the relevant economic operator to take the appropriate corrective action to bring the product into compliance with those requirements, to withdraw the product from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe. It shall also inform the Notified Body accordingly.

(*b*) In the case of a private importer, where, in the course of that evaluation, the Technical Regulations Division finds that the product does not comply with the requirements laid down in these regulations, the private importer shall be informed without delay of the appropriate corrective action to be taken to bring the product into compliance with those requirements, to suspend the putting into service of the product or to suspend the use of the product, commensurate with the nature of the risk. It shall also inform the Notified Body accordingly.

(5) Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in sub-regulation (4)(*a*) and (*b*).

(6) Where the Technical Regulations Division considers that non-compliance is not restricted to the Maltese territory, it shall inform the European Commission and the other Member States of the results of the evaluation and of the actions which it has required the economic operator to take.

(7) (*a*) The economic operator shall ensure that all appropriate corrective action is taken in respect of all the products concerned that it has made available on the market throughout the European Union.

(*b*) The private importer shall ensure that the appropriate corrective action is taken in respect of the product that he has imported in the European Union for his own use.

(8) (*a*) Where the relevant economic operator does not take adequate corrective action within the period referred to in sub-regulation (4)(*a*), the Technical Regulations Division shall take all appropriate provisional measures to prohibit or restrict the product being made available on the Maltese market, to withdraw the product from this market or to recall it.

(*b*) Where the private importer does not take adequate corrective action, the Technical Regulations Division shall take all appropriate provisional measures to prohibit the putting into service of the product, or prohibit or restrict the use of the product in the Maltese territory.

(9) The Technical Regulations Division shall inform the European Commission and the other Member States, without delay, of those measures referred to in sub-regulation (8).

(10) The information referred to in sub-regulation (9) shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator or the private importer. In particular, the Technical Regulations Division shall indicate whether the non-compliance is due to either of the following:

(*a*) failure of the product to meet requirements relating to the health or safety of persons, the protection of property or the environment laid down in these regulations; or

(*b*) shortcomings in the harmonised standards referred to in regulation 15 conferring a presumption of conformity.

(11) When the procedure under this regulation is initiated by another Member State, the Technical Regulations Division shall without delay inform the European Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the product concerned, and, in the event of disagreement with the adopted national measure, of their objections.

(12) Where, within three months of receipt of the information referred to in sub-regulation (9), no objection has been raised by either a Member State or the European Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.

In such cases, the Technical Regulations Division shall ensure that appropriate restrictive measures are taken in respect of the product concerned, such as withdrawal of the product from the Maltese market, without delay.

(13) Where on completion of the procedure set out in sub-regulations (7) to (9), objections are raised against a measure taken by Technical Regulations Division, or where the European Commission considers a national measure to be contrary to European Union legislation, the European Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators or the private importer and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not.

If, on the basis of this evaluation, the national measure is considered justified, the Technical Regulations Division shall ensure that the non-compliant product is withdrawn from the Maltese market and shall inform the European Commission accordingly.

If, on the basis of this evaluation, the national measure is considered unjustified, the national measure shall be withdrawn.

(14) Without prejudice to sub-regulations (3) to (13), where the Technical Regulations Division make one of the following findings, it shall require the relevant economic operator or the private importer to put an end to the non-compliance concerned:

(*a*) the CE marking has been affixed in violation of regulation 17;

(*b*) the CE marking has not been affixed;

(*c*) the EU declaration of conformity or the declaration referred to in Schedule III has not been drawn up;

(*d*) the EU declaration of conformity or the declaration referred to in Schedule III has not been drawn up correctly;

(*e*) the technical documentation is either not available or not complete;

(*f*) the information referred to in regulation 8(6) or regulation 10(3) is absent, false or incomplete;

(*g*) any other administrative requirement provided for in regulation 8 or regulation 10 is not fulfilled.

(15) Where the non-compliance referred to in sub-regulation (14) persists, the Technical Regulations Division shall take all appropriate measures to restrict or prohibit the product being made available on the Maltese market or ensure that it is recalled or withdrawn from the Maltese market, or in the case of a product imported by a private importer for his own use, that its use is prohibited or restricted.

Designation of the competent authority for assigning the unique code of the manufacturer.

30. The Authority for Transport in Malta shall be the designated competent authority in Malta responsible for assigning the unique code of the manufacturer referred to in point 2.1 of Part A of Schedule I.

Penalties.

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31. The penalties applicable for the infringement of any of the provisions of these regulations shall be those provided for in Part IV of the Product Safety Act.

Revokes the Recreational Craft Regulations. L.N. 128 of 2005.

32. (*Omitted under the Statute Law Revision Act, 1980*).

Saving.

33. (1) Any references to the Recreational Craft Regulations, 2005*, hereinafter referred to as "the revoked regulations" shall be construed as references to these regulations.

(2) Any references in existing laws, regulations and administrative provisions to Directive 94/25/EC shall be construed as references to Directive 2013/53/EU.

*Revoked by these Regulations.

SCHEDULE I

ESSENTIAL REQUIREMENTS

A. Essential requirements for the design and construction of products referred to in regulation 3(1)

1. WATERCRAFT DESIGN CATEGORIES

Design category	Wind force (Beaufort scale)	Significant wave height (H ⅓, metres)
A	exceeding 8	exceeding 4
B	up to, and including, 8	up to, and including, 4
C	up to, and including, 6	up to, and including, 2
D	up to, and including, 4	up to, and including, 0,3

Explanatory notes:

A. A recreational craft given design category A is considered to be designed for winds that may exceed wind force 8 (Beaufort scale) and significant wave height of 4 m and above but excluding abnormal conditions, such as storm, violent storm, hurricane, tornado and extreme sea conditions or rogue waves.

B. A recreational craft given design category B is considered to be designed for a wind force up to, and including, 8 and significant wave height up to, and including, 4 m.

C. A watercraft given design category C is considered to be designed for a wind force up to, and including, 6 and significant wave height up to, and including, 2 m.

D. A watercraft given design category D is considered to be designed for a wind force up to, and including, 4 and significant wave height up to, and including, 0,3 m, with occasional waves of 0,5 m maximum height.

Watercraft in each design category must be designed and constructed to withstand the parameters in respect of stability, buoyancy, and other relevant essential requirements listed in this Schedule, and to have good handling characteristics.

2. GENERAL REQUIREMENTS

2.1. Watercraft identification

Each watercraft shall be marked with an identification number including the following information:

(1) country code of the manufacturer,

(2) unique code of the manufacturer assigned by the authority for transport in Malta,

(3) unique serial number,

(4) month and year of production,

(5) model year.

Detailed requirements for the identification number referred to in the first paragraph are set out in the relevant harmonised standard.

2.2. Watercraft builder's plate

Each watercraft shall carry a permanently affixed plate mounted separately from the watercraft identification number, containing at least the following information:

(*a*) manufacturer's name, registered trade name or registered trade mark, as well as contact address;

(*b*) CE marking, as provided for in regulation 17;

(*c*) watercraft design category in accordance with Section 1;

(*d*) manufacturer's maximum recommended load derived from point 3.6 excluding the weight of the contents of the fixed tanks when full;

(*e*) number of persons recommended by the manufacturer for which the watercraft was designed.

In the case of post-construction assessment, the contact details and the requirements referred to in point (*a*) shall include those of the notified body which has carried out the conformity assessment.

2.3. Protection from falling overboard and means of reboarding

Watercraft shall be designed to minimise the risks of falling overboard and to facilitate reboarding. Means of reboarding shall be accessible to or deployable by a person in the water unaided.

2.4. Visibility from the main steering position

For recreational craft, the main steering position shall give the operator, under normal conditions of use (speed and load), good all-round visibility.

2.5. Owner's manual

Each product shall be provided with an owner's manual in accordance with regulation 8(7) and regulation 10(4). That manual shall provide all the information necessary for safe use of the product drawing particular attention to set up, maintenance, regular operation, prevention of risks and risk management.

3. INTEGRITY AND STRUCTURAL REQUIREMENTS

3.1. Structure

The choice and combination of materials and its construction shall ensure that the watercraft is strong enough in all respects. Special attention shall be paid to the design category in accordance with Section 1, and the manufacturer's maximum recommended load in accordance with point 3.6.

3.2. Stability and freeboard

The watercraft shall have sufficient stability and freeboard considering its design category in accordance with Section 1 and the manufacturer's maximum recommended load in accordance with point 3.6.

3.3. Buoyancy and flotation

The watercraft shall be constructed as to ensure that it has buoyancy characteristics appropriate to its design category in accordance with Section 1 and the manufacturer's maximum recommended load in accordance with point 3.6. All habitable multihull recreational craft susceptible of inversion shall have sufficient buoyancy to remain afloat in the inverted position.

Watercraft of less than 6 metres in length that are susceptible to swamping when used in their design category shall be provided with appropriate means of flotation in the swamped condition.

3.4. Openings in hull, deck and superstructure

Openings in hull, deck(s) and superstructure shall not impair the structural integrity of the watercraft or its weather tight integrity when closed.

Windows, port lights, doors and hatch covers shall withstand the water pressure likely to be encountered in their specific position, as well as point loads applied by

the weight of persons moving on deck.

Through hull fittings designed to allow water passage into the hull or out of the hull, below the waterline corresponding to the manufacturer's maximum recommended load in accordance with point 3.6, shall be fitted with a means of shutoff which shall be readily accessible.

3.5. Flooding

All watercraft shall be designed so as to minimise the risk of sinking.

Where appropriate, particular attention shall be paid to:

(*a*) cockpits and wells, which should be self-draining or have other means of keeping water out of the watercraft interior;

(*b*) ventilation fittings;

(*c*) removal of water by pumps or other means.

3.6. Manufacturer's maximum recommended load

The manufacturer's maximum recommended load (fuel, water, provisions, miscellaneous equipment and people (in kilograms)) for which the watercraft was designed, shall be determined in accordance with the design category (Section 1), stability and freeboard (point 3.2) and buoyancy and flotation (point 3.3).

3.7. Life raft stowage

All recreational craft of design categories A and B, and recreational craft of design categories C and D longer than 6 metres shall be provided with one or more stowage points for a life raft (life rafts) large enough to hold the number of persons the recreational craft was designed to carry as recommended by the manufacturer. Life raft stowage point(s) shall be readily accessible at all times.

3.8. Escape

All habitable multihull recreational craft susceptible of inversion shall be provided with viable means of escape in the event of inversion. Where there is a means of escape provided for use in the inverted position, it shall not compromise the structure (point 3.1), the stability (point 3.2) or buoyancy (point 3.3) whether the recreational craft is upright or inverted.

Every habitable recreational craft shall be provided with viable means of escape in the event of fire.

3.9. Anchoring, mooring and towing

All watercraft, taking into account their design category and their characteristics, shall be fitted with one or more strong points or other means capable of safely accepting anchoring, mooring and towing loads.

4. HANDLING CHARACTERISTICS

The manufacturer shall ensure that the handling characteristics of the watercraft are satisfactory with the most powerful propulsion engine for which the watercraft is designed and constructed. For all propulsion engines, the maximum rated engine power shall be declared in the owner's manual.

5. INSTALLATION REQUIREMENTS

5.1. Engines and engine compartments

5.1.1. Inboard engine

All inboard mounted engines shall be placed within an enclosure separated from

living quarters and installed so as to minimise the risk of fires or spread of fires as well as hazards from toxic fumes, heat, noise or vibrations in the living quarters.

Engine parts and accessories that require frequent inspection and/or servicing shall be readily accessible.

The insulating materials inside the engine compartment shall not sustain combustion.

5.1.2. Ventilation

The engine compartment shall be ventilated. The ingress of water into the engine compartment through openings must be minimised.

5.1.3. Exposed parts

Unless the engine is protected by a cover or its own enclosure, exposed moving or hot parts of the engine that could cause personal injury shall be effectively shielded.

5.1.4. Outboard propulsion engine starting

Every outboard propulsion engine fitted on any watercraft shall have a device to prevent the engine being started in gear, except:

(*a*) when the engine produces less than 500 Newton's (N) of static thrust;

(*b*) when the engine has a throttle limiting device to limit thrust to 500 N at the time of starting the engine.

5.1.5. Personal watercraft running without driver

Personal watercraft shall be designed either with an automatic propulsion engine cut-off or with an automatic device to provide reduced speed, circular, forward movement when the driver dismounts deliberately or falls overboard.

5.1.6. Tiller-controlled outboard propulsion engines shall be equipped with an emergency stopping device which can be linked to the helmsman.

5.2. Fuel system

5.2.1. General

The filling, storage, venting and fuel-supply arrangements and installations shall be designed and installed so as to minimise the risk of fire and explosion.

5.2.2. Fuel tanks

Fuel tanks, lines and hoses shall be secured and separated or protected from any source of significant heat. The material the tanks are made of and their method of construction shall be in accordance with their capacity and the type of fuel.

Petrol fuel tank spaces shall be ventilated.

Petrol fuel tanks shall not form part of the hull and shall be:

(*a*) protected against fire from any engine and from all other sources of ignition;

(*b*) separated from living quarters.

Diesel fuel tanks may be integral with the hull.

5.3. Electrical system

Electrical systems shall be designed and installed so as to ensure proper operation of the watercraft under normal conditions of use and shall be such as to minimise risk of fire and electric shock.

All electrical circuits, except engine starting circuits supplied from batteries, shall

remain safe when exposed to overload.

Electric propulsion circuits shall not interact with other circuits in such a way that either would fail to operate as intended.

Ventilation shall be provided to prevent the accumulation of explosive gases which might be emitted from batteries. Batteries shall be firmly secured and protected from ingress of water.

5.4. Steering system

5.4.1. General

Steering and propulsion control systems shall be designed, constructed and installed in order to allow the transmission of steering loads under foreseeable operating conditions.

5.4.2. Emergency arrangements

Every sailing recreational craft and single-propulsion engine non-sailing recreational craft with remote-controlled rudder steering systems shall be provided with emergency means of steering the recreational craft at reduced speed.

5.5. Gas system

Gas systems for domestic use shall be of the vapour-withdrawal type and shall be designed and installed so as to avoid leaks and the risk of explosion and be capable of being tested for leaks. Materials and components shall be suitable for the specific gas used to withstand the stresses and exposures found in the marine environment.

Each gas appliance intended by the manufacturer for the application for which it is used shall be so installed in accordance with the manufacturer's instructions. Each gas-consuming appliance must be supplied by a separate branch of the distribution system, and each appliance must be controlled by a separate closing device. Adequate ventilation must be provided to prevent hazards from leaks and products of combustion.

All watercraft with a permanently installed gas system shall be fitted with an enclosure to contain all gas cylinders. The enclosure shall be separated from the living quarters, accessible only from the outside and ventilated to the outside so that any escaping gas drains overboard.

In particular, any permanently installed gas system shall be tested after installation.

5.6. Fire protection

5.6.1. General

The type of equipment installed and the layout of the watercraft shall take account of the risk and spread of fire. Special attention shall be paid to the surroundings of open flame devices, hot areas or engines and auxiliary machines, oil and fuel overflows, uncovered oil and fuel pipes and routing of electrical wiring in particular away from heat sources and hot areas.

5.6.2. Fire-fighting equipment

Recreational craft shall be supplied with fire-fighting equipment appropriate to the fire hazard, or the position and capacity of fire-fighting equipment appropriate to the fire hazard shall be indicated. The craft shall not be put into service until the appropriate fire-fighting equipment is in place. Petrol engine compartments shall be protected by a fire extinguishing system that avoids the need to open the compartment in the event of fire. Where fitted, portable fire extinguishers shall be

readily accessible and one shall be so positioned that it can easily be reached from the main steering position of the recreational craft.

5.7. Navigation lights, shapes and sound signals

Where navigation lights, shapes and sound signals are fitted, they shall comply with the 1972 COLREG (The International Regulations for Preventing Collisions at Sea) or CEVNI (European Code for Interior Navigations for inland waterways) Regulations as appropriate.

5.8. Discharge prevention and installations facilitating the delivery ashore of waste

Watercraft shall be constructed so as to prevent the accidental discharge of pollutants (oil, fuel, etc.) overboard.

Any toilet fitted in a recreational craft shall be connected solely to a holding tank system or water treatment system.

Recreational craft with installed holding tanks shall be fitted with a standard discharge connection to enable pipes of reception facilities to be connected with the recreational craft discharge pipeline.

In addition, any through-the-hull pipes for human waste shall be fitted with valves which are capable of being secured in the closed position.

B. Essential requirements for exhaust emissions from propulsion engines

Propulsion engines shall comply with the essential requirements for exhaust emissions set out in this Part.

1. PROPULSION ENGINE IDENTIFICATION

1.1. Each engine shall be clearly marked with the following information:

(*a*) engine manufacturer's name, registered trade name or registered trade mark and contact address; and, if applicable, the name and contact address of the person adapting the engine;

(*b*) engine type, engine family, if applicable;

(*c*) a unique engine serial number;

(*d*) CE marking, as provided for in regulation 17.

1.2. The marks referred to in point 1.1 must be durable for the normal life of the engine and must be clearly legible and indelible. If labels or plates are used, they must be attached in such a manner that the fixing is durable for the normal life of the engine, and the labels/plates cannot be removed without destroying or defacing them.

1.3. The marks must be secured to an engine part necessary for normal engine operation and not normally requiring replacement during the engine life.

1.4. The marks must be located so as to be readily visible after the engine has been assembled with all the components necessary for engine operation.

2. EXHAUST EMISSION REQUIREMENTS

Propulsion engines shall be designed, constructed and assembled so that when correctly installed and in normal use, emissions shall not exceed the limit values obtained from point 2.1, Table 1 and point 2.2, Tables 2 and 3:

2.1. Values applying for the purposes of regulation 2(3) and Table 2 of point 2.2:

Table 1

(g/kWh)

Type	Carbon monoxide			Hydrocarbons			Nitrogen oxides NO_x	Particulates PT
	$CO = A + B/P^n_N$			$HC = A + B/P^n_N$				
	A	B	n	A	B	n		
Two-stroke spark ignition	150,0	600,0	1,0	30,0	100,0	0,75	10,0	Not applicable
Four-stroke spark ignition	150,0	600,0	1,0	6,0	50,0	0,75	15,0	Not applicable
Compression ignition	5,0	0	0	1,5	2,0	0,5	9,8	1,0

Where A, B and n are constants in accordance with the table, PN is the rated engine power in kW.

2.2. Values applying from 18 January 2016:

Table 2

Exhaust emission limits for compression ignition (CI) engines [1]

Swept Volume SV (L/cyl)	Rated Engine Power P_N (kW)	Particulates PT (g/kWh)	Hydrocarbons + Nitrogen Oxides $HC + NO_x$ (g/kWh)
SV < 0,9	$P_N < 37$	The values referred to in table 1	
	$37 \leq P_N < 75$ [2]	0,30	4,7
	$75 \leq P_N < 3\,700$	0,15	5,8
$0,9 \leq SV < 1,2$	$P_N < 3\,700$	0,14	5,8
$1,2 \leq SV < 2,5$		0,12	5,8
$2,5 \leq SV < 3,5$		0,12	5,8
$3,5 \leq SV < 7,0$		0,11	5,8

1. Any compression-ignition engine shall not exceed a Carbon monoxide (CO) emission limit of 5,0 g/kWh

2. Alternatively, compression-ignition engines with rated engine power at or above 37 kW and below 75 kW and with a swept volume below 0,9 L/cyl shall not exceed a PT emission limit of 0,20 g/kWh and a combined emission limit of 5,8 g/kWh.

Table 3

Exhaust emission limits for spark ignition (SI) engines

Type of engine	Rated Engine Power P_N (kW)	Carbon monoxide CO (g/kWh)	Hydrocarbons + Nitrogen Oxides $HC + NO_x$ (g/kWh)
Stern-drive and inboard engines	$P_N \leq 373$	75	5
	$373 < P_N \leq 485$	350	16
	$P_N > 485$	350	22
Outboard engines and PWC engines	$P_N \leq 4.3$	$500 - (5.0 \times P_N)$	30
	$4{,}3 < P_N \leq 40$	$500 - (5.0 \times P_N)$	$15{,}7 + \left(\frac{50}{P_N^{0{,}9}}\right)$
	$P_N > 40$	300	$15{,}7 + \left(\frac{50}{P_N^{0{,}9}}\right)$

2.3. Test cycles:

Test cycles and weighting factors to be applied:

The following requirements of ISO standard 8178-4:2007 shall be used, taking into account the values set out in the table below.

For variable speed CI engines test cycle E1 or E5 shall be applied or alternatively, above 130 kW, test cycle E3 may be applied. For variable speed SI engines test cycle E4 shall be applied.

Cycle E1, Mode number	1	2	3	4	5
Speed	Rated speed		Intermediate speed		Low-idle speed
Torque, %	100	75	75	50	0
Weighting factor	0,08	0,11	0,19	0,32	0,3
Speed	Rated speed		Intermediate speed		Low-idle speed
Cycle E3, Mode number	1	2	3	4	
Speed, %	100	91	80	63	
Power, %	100	75	50	25	
Weighting factor	0,2	0,5	0,15	0,15	
Cycle E4, Mode number	1	2	3	4	5
Speed, %	100	80	60	40	Idle
Torque, %	100	71,6	46,5	25,3	0
Weighting factor	0,06	0,14	0,15	0,25	0,40
Cycle E5, Mode number	1	2	3	4	5
Speed, %	100	91	80	63	Idle
Power, %	100	75	50	25	0
Weighting factor	0,08	0,13	0,17	0,32	0,3

Notified bodies may accept tests carried out on the basis of other tests cycles as specified in a harmonised standard and as applicable for the engine duty cycle.

2.4. Application of the propulsion engine family and choice of parent propulsion engine

The engine manufacturer shall be responsible for defining those engines from his

range which are to be included in an engine family.

A parent engine shall be selected from an engine family in such a way that its emissions characteristics are representative for all engines in that engine family. The engine incorporating those features that are expected to result in the highest specific emissions (expressed in g/kWh), when measured on the applicable test cycle, should normally be selected as the parent engine of the family.

2.5. Test fuels

The test fuel used for exhaust emission testing shall meet the following characteristics:

Petrol Fuels

Property	RF-02-99 Unleaded		RF-02-03 Unleaded	
	min	max	min	max
Research Octane Number (RON)	95	-	95	-
Motor Octane Number (MON)	85	-	85	-
Density at 15ºC (kg/m^3)	748	762	740	754
Initial boiling point (ºC)	24	40	24	40
Mass fraction of sulphur (mg/kg)	-	100	-	10
Lead content (mg/l)	-	5	-	5
Reid vapour pressure (kPa)	56	60	-	-
Vapour pressure (DVPE) (kPa)	-	-	56	60

Diesel Fuels

Property	RF-06-99		RF-06-03	
	min	max	min	max
Cetane number	52	54	52	54
Density at 15ºC (kg/m^3)	833	837	833	837
Final boiling point (ºC)	-	370	-	370
Flash point (ºC)	55	-	55	-
Mass fraction of sulphur (mg/kg)	To be reported	300 (50)	-	10
Mass fraction of ash (%)	To be reported	0,01	-	0,01

Notified bodies may accept tests carried out on the basis of other tests fuel as specified in a harmonised standard.

3. DURABILITY

The manufacturer of the engine shall supply engine installation and maintenance instructions, which if applied should mean that the engine in normal use will continue to comply with the limits set out in points 2.1 and 2.2 throughout the normal life of the engine and under normal conditions of use.

This information shall be obtained by the engine manufacturer by use of prior endurance testing, based on normal operating cycles, and by calculation of component fatigue so that the necessary maintenance instructions may be prepared by the manufacturer and issued with all new engines when first placed on the market.

The normal life of the engine is as follows:

(*a*) For CI engines: 480 hours of operation or 10 years, whichever occurs first;

(*b*) For SI inboard or stern drive engines with or without integral exhaust:

(i) for the engine category $P_N \leq 373$ kW

: 480 hours of operation or 10 years, whichever occurs first,

(ii) for engines in the category $373 < P_N \leq 485$ kW

: 150 hours of operation or three years, whichever occurs first,

(iii) for the engine category $P_N < 485$ kW

: 50 hours of operation or one year, whichever occurs first;

(*c*) personal watercraft engines: 350 hours of operation or five years, whichever occurs first;

(*d*) outboard engines: 350 hours of operation or 10 years, whichever occurs first

4. OWNER'S MANUAL

Each engine shall be provided with an owner's manual in a language or languages which can be easily understood by consumers and other end-users, as determined by the Member State in which the engine is to be marketed.

The owner's manual shall:

(*a*) provide instructions for the installation, use and maintenance needed to assure the proper functioning of the engine to meet the requirements of Section 3 (Durability);

(*b*) specify the power of the engine when measured in accordance with the harmonised standard.

C. Essential requirements for noise emissions

Recreational craft with inboard or stern drive engines without integral exhaust, personal watercraft and outboard engines and stern drive engines with integral exhaust shall comply with the essential requirements for noise emissions set out in this Part.

1. NOISE EMISSION LEVELS

1.1. Recreational craft with inboard or stern drive engines without integral exhaust, personal watercraft and outboard engines and stern drive engines with integral exhaust shall be designed, constructed and assembled so that noise emissions shall not exceed the limit values in the following table:

Rated Engine Power (single engine) In kW	Maximum Sound Pressure Level = L_{pASmax} In dB
$P_N \leq 10$	67
$10 < P_N \leq 40$	72
$P_N > 40$	75

where P_N = rated engine power in kW of a single engine at rated speed and L_{pASmax} = maximum sound pressure level in dB.

For twin-engine and multiple-engine units of all engine types an allowance of 3 dB may be applied.

1.2. As an alternative to sound measurement tests, recreational craft with inboard engine configuration or stern drive engine configuration, without integral exhaust, shall be deemed to comply with the noise requirements set out in point 1.1 if they have a Froude number of ≤ 1,1 and a Power to Displacement ratio of ≤ 40 and where

the engine and exhaust system are installed in accordance with the engine manufacturer's specifications.

1.3. 'Froude number' F_n shall be calculated by dividing the maximum recreational craft speed V (m/s) by the square root of the waterline length lwl (m) multiplied by a given gravitational acceleration constant, g, of 9,8 m/s^2.

$$F_n = \frac{V}{\sqrt{g.lwl}}$$

'Power to Displacement ratio' shall be calculated by dividing the rated engine power P_N (in kW) by the recreational craft's displacement D (in tonnes)

$$\text{Power to Displacement ratio} = \frac{P_N}{D}$$

2. OWNER'S MANUAL

For recreational craft with inboard engine or stern drive engines without integral exhaust and personal watercraft, the owner's manual required under point 2.5 of Part A, shall include information necessary to maintain the recreational craft and exhaust system in a condition that, insofar as is practicable, will ensure compliance with the specified noise limit values when in normal use.

For outboard engines and stern drive engines with integral exhaust, the owner's manual required under Section 4 of Part B shall provide the instructions necessary to maintain the engine in a condition, that insofar as is practicable, will ensure compliance with the specified noise limit values when in normal use.

3. DURABILITY

The provisions on the durability in Section 3 of Part B shall apply mutatis mutandis to the compliance with the requirements on noise emissions set out in Section 1 of this part.

Schedule II

COMPONENTS OF WATERCRAFT

(1) Ignition-protected equipment for inboard and stern drive petrol engines and petrol tank spaces;

(2) Start-in-gear protection devices for outboard engines;

(3) Steering wheels, steering mechanisms and cable assemblies;

(4) Fuel tanks intended for fixed installations and fuel hoses;

(5) Prefabricated hatches, and port lights.

Schedule III

DECLARATION BY THE MANUFACTURER OR THE IMPORTER OF THE PARTLY COMPLETED WATERCRAFT (REGULATION 7(2))

The declaration by the manufacturer or the importer established in the European

Union referred to in regulation 7(2) shall contain the following:

(*a*) the name and address of the manufacturer;

(*b*) the name and address of the representative of the manufacturer established in the Union or, if appropriate, of the person responsible for the placing on the market;

(*c*) a description of the partly completed watercraft;

(*d*) a statement that the partly completed watercraft complies with the essential requirements that apply at this stage of construction; this shall include references to the relevant harmonised standards used, or references to the specifications in relation to which compliance is declared at this stage of construction; furthermore, it is intended to be completed by other legal or natural persons in full compliance with these regulations.

Schedule IV

EU DECLARATION OF CONFORMITY No xxxxx*

1. No xxxxx (Product: product, batch, type, or serial number):

2. Name and address of the manufacturer or his authorised representative [The authorised representative must also give the business name and address of the manufacturer] or the private importer.

3. This declaration of conformity is issued under the sole responsibility of the manufacturer or the private importer or the person referred to in Article 19(3) or (4) of Directive 2013/53/EU.

4. Object of the declaration (identification of product allowing traceability. It may include a photograph, where appropriate):

5. The object of the declaration described in point 4 is in conformity with the relevant Union harmonisation legislation:

6. References to the relevant harmonised standards used or references to the other technical specifications in relation to which conformity is declared:

7. Where applicable, the notified body ..... (name, number) performed ..... (description of intervention) and issued the certificate:

8. Identification of the person empowered to sign on behalf of the manufacturer or his authorised representative

9. Additional information:

The EU declaration of conformity shall include a statement of the propulsion engine manufacturer and that of the person adapting an engine in accordance with points (*b*) and (*c*) of regulation 7(4) that:

(*a*) when installed in a watercraft, in accordance with the installation instructions accompanying the engine, the engine will meet:

(i) the exhaust emission requirements of these regulations;

(ii) the limits of Directive 97/68/EC as regards engines type-approved in accordance with Directive 97/68/EC which are in compliance

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* It is optional to assign a number to the declaration of conformity.

with stage III A, stage III B or stage IV emission limits for CI engines used in other applications than propulsion of inland waterway vessels, locomotives and railcars, as provided for in point 4.1.2 of Annex I to that Directive; or

(iii) the limits of Regulation (EC) No 595/2009 as regards engines type-approved in accordance with that Regulation.

The engine must not be put into service until the watercraft into which it is to be installed has been declared in conformity, if so required, with the relevant provision of this Directive.

If the engine has been placed on the market during the additional transitional period provided for in regulation 2(3), the EU declaration of conformity shall contain an indication thereof.

Signed for and on behalf of:

(place and date of issue)

(name, function) (signature)

Schedule V

EQUIVALENT CONFORMITY BASED ON POST-CONSTRUCTION ASSESSMENT (MODULE PCA)

1. Conformity based on post-construction assessment is the procedure to assess the equivalent conformity of a product for which the manufacturer has not assumed the responsibility for the product's conformity with these regulations, and whereby a natural or legal person referred to in regulation 18(2), (3) or (4) who is placing the product on the market or putting it into service under his own responsibility is assuming the responsibility for the equivalent conformity of the product. This person shall fulfill the obligations laid down in points 2 and 4 and ensure and declare on his sole responsibility that the product concerned, which has been subject to the provisions of point 3, is in conformity with the applicable requirements of these regulations.

2. The person who is placing the product on the market or putting it into service shall lodge an application for a post- construction assessment of the product with a notified body and must provide the notified body with the documents and technical file enabling the notified body to assess the conformity of the product with the requirements of these regulations and any available information on the use of the product after its first putting into service.

The person who is placing such a product on the market or putting it into service shall keep these documents and information at the disposal of the relevant national authorities for 10 years after the product has been assessed on its equivalent conformity in accordance with the post-construction assessment procedure.

3. The notified body shall examine the individual product and carry out calculations, tests and other assessments, to the extent necessary to ensure that the equivalent conformity of the product with the relevant requirements of these regulations is demonstrated.

The notified body shall draw up and issue a certificate and a related report of

conformity concerning the assessment carried out and shall keep a copy of the certificate and related report of conformity at the disposal of the national authorities for 10 years after it has issued these documents.

The notified body shall affix its identification number next to the CE marking on the approved product or have it affixed under its responsibility.

In case the assessed product is a watercraft, the notified body shall also have affixed, under his responsibility, the watercraft identification number as referred to in point 2.1 of Part A of Schedule I, whereby the field for the country code of the manufacturer shall be used to indicate the country of establishment of the notified body and the fields for the unique code of the manufacturer assigned by the Authority for Transport in Malta to indicate the post- construction assessment identification code assigned to the notified body, followed by the serial number of the post- construction assessment certificate. The fields in the watercraft identification number for the month and year of production and for the model year shall be used to indicate the month and year of the post-construction assessment.

4. CE marking and EU declaration of conformity

4.1. The person who is placing the product on the market or putting it into service shall affix the CE marking and, under the responsibility of the notified body referred to in Section 3, the latter's identification number to the product for which the notified body has assessed and certified its equivalent conformity with the relevant requirements of these regulations.

4.2. The person who is placing the product on the market or putting it into service shall draw up an EU declaration of conformity and keep it at the disposal of the national authorities for 10 years after the date the post-construction assessment certificate has been issued. The declaration of conformity shall identify the product for which it has been drawn up.

A copy of the EU declaration of conformity shall be made available to the relevant authorities upon request.

4.3. In the case the assessed product is a watercraft, the person who is placing the watercraft on the market or putting it into service shall affix to the watercraft the builder's plate described in point 2.2 of Part A of Schedule I, which shall include the words 'post-construction assessment', and the watercraft identification number described in point 2.1 of Part A of Schedule I, in accordance with the provisions set out in Section 3.

5. The notified body shall inform the person who is placing the product on the market or putting it into service of his obligations under this post-construction assessment procedure.

Schedule VI

SUPPLEMENTARY REQUIREMENTS WHEN INTERNAL PRODUCTION CONTROL PLUS SUPERVISED PRODUCTION TESTS SET OUT IN MODULE A1 IS USED (REGULATION 23(2))

Design and construction

On one or several watercrafts representing the production of the manufacturer one or more of the following tests, equivalent calculation or control shall be carried out by the manufacturer or on his behalf:

(*a*) test of stability in accordance with point 3.2 of Part A of Schedule I;

(b) test of buoyancy characteristics in accordance with point 3.3 of Part A of Schedule I.

Noise emissions

For recreational craft fitted with inboard or stern drive engines without integral exhaust and for personal watercraft, on one or several watercraft representing the production of the watercraft manufacturer, the sound emission tests defined in Part C of Annex I shall be carried out by the watercraft manufacturer, or on his behalf, under the responsibility of a notified body chosen by the manufacturer.

For outboard engines and stern drive engines with integral exhaust, on one or several engines of each engine family representing the production of the engine manufacturer, the sound emission tests defined in Part C of Schedule I shall be carried out by the engine manufacturer, or on his behalf, under the responsibility of a notified body chosen by the manufacturer.

Where more than one engine of an engine family is tested, the statistical method described in Schedule VII shall be applied to ensure conformity of the sample.

Schedule VII

CONFORMITY OF PRODUCTION ASSESSMENT FOR EXHAUST AND NOISE EMISSIONS

1. For verifying the conformity of an engine family, a sample of engines shall be taken from the series. The manufacturer shall decide the size (n) of the sample, in agreement with the notified body.

2. The arithmetical mean X of the results obtained from the sample shall be calculated for each regulated component of the exhaust and noise emission. The production of the series shall be deemed to conform to the requirements ('pass decision') if the following condition is met:

$$X + k.S \leq L$$

S is standard deviation, where:

$$S^2 = \sum (x - X)^2 / (n - 1)$$

X = the arithmetical mean of the results obtained from the sample

x = the individual results obtained from the sample

L = the appropriate limit value

n = the number of engines in the sample

k = statistical factor depending on n (see table below)

n	2	3	4	5	6	7	8	9	10
k	0,973	0,613	0,489	0,421	0,376	0,342	0,317	0,296	0,279
n	11	12	13	14	15	16	17	18	19
k	0,265	0,253	0,242	0,233	0,224	0,216	0,210	0,203	0,198
If $n \geq 20$ then $k = 0,860 / \sqrt{n}$									

Schedule VIII

SUPPLEMENTARY PROCEDURE TO BE APPLIED UNDER CONFORMITY TO TYPE BASED ON INTERNAL PRODUCTION CONTROL (MODULE C)

In the cases referred to in regulation 23(5) when the quality level appears unsatisfactory, the following procedure shall apply:

An engine is taken from the series and subjected to the test described in Part B of Schedule I. Test engines shall have been run in, partially or completely, in accordance with the manufacturer's specifications. If the specific exhaust emissions of the engine taken from the series exceed the limit values in accordance with Part B of Schedule I, the manufacturer may ask for measurements to be done on a sample of engines taken from the series and including the engine originally taken. To ensure the conformity of the sample of engines with the requirements of these regulations, the statistical method described in Schedule VII shall be applied.

Schedule IX

SUPPLEMENTARY PROCEDURE TO BE APPLIED UNDER CONFORMITY TO TYPE BASED ON INTERNAL PRODUCTION CONTROL (MODULE C)

The technical documentation referred to in regulation 8(2) and regulation 24 shall, as far as it is relevant for the assessment, contain the following:

(*a*) A general description of the type;

(*b*) Conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, and other relevant data;

(*c*) Descriptions and explanations necessary for the understanding of said drawings and schemes and the operation of the product;

(*d*) A list of the standards referred to in regulation 15, applied in full or in part, and descriptions of the solutions adopted to fulfil the essential requirements when the standards referred to in regulation 15 have not been applied;

(*e*) Results of design calculations made, examinations carried out and other relevant data;

(*f*) Test reports, or calculations namely on stability in accordance with point 3.2 of Part A of Schedule I and on buoyancy in accordance with point 3.3 of Part A of Schedule I;

(*g*) Exhaust emissions test reports demonstrating compliance with Section 2 of Part B of Schedule I;

(*h*) Sound emissions test reports demonstrating compliance with Section 1 of Part C of Schedule I.
